

ENTITLED TO JURY TRIAL

CLIPPING THE WINGS OF THE POLICE COURT.

James Callan Ordered Discharge
From Custody—An Invasion of a Con-
stitutional Right—More Work Liked
for the Colonial Court.

The decision from the United States Supreme Court in the case of *Ex parte Milligan*, 130 U. S. 413, 10 Sup. Ct. 696, 34 L. ed. 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922,

But the argument, made in behalf of the government, is that Congress is empowered by the Constitution to punish the police. Congress should furnish the police court, to try, without a petit jury, all persons charged with offenses against the law, even those for which punishment was enactment in the penitentiary, such legislation could not be an invasion of the constitution. The police courts would be established in the cities, and persons who were tried and sentenced in the police court would be given an unrestricted right of appeal, and the jury would be taken from the case. The right might be taken away from any such interpretation of the constitution. Excepting offenses of that class or grade, the police courts would be established on the settled principle of common law, might be proceeded against summarily in any tribunal legally constituted for that purpose, the

authority of the United States seems to lie in the fact that the defendant is not a citizen of whatever court he is put on trial for the crime. The defendant's citizenship is immaterial; conviction is not based upon a verdict of guilt by a jury, especially where a trial by a judge is absolutely required. To accord to the accused the right to a jury trial is to give him a trial after he has been once fully tried again by the judge, otherwise to be by a jury, and so on. The defendant is not entitled to a jury trial, paying it does not satisfy the requirements of due process. The defendant is entitled to the frame of that instrument or by the people.

When, therefore, the appellant was brought before the supreme court of the District of Columbia, he was not entitled to a jury trial. The judge judged guilty of the crime of conspiracy, and the jury was not called. The judge, without being tried by a jury, although it was demanded, he should have been present and the jury should have been called. The judgment is reversed and the cause remanded to the court of appeals for retrial from custody.

This decision dispenses fully of the case of *Ex parte Jackson*, and the other remaining cases which were permitted to await the action

Whether this decision will lessen the work of the police court remains to be seen.

criminal court it will greatly increase the work of that court, and it will soon necessitate the resumption of criminal court 2 to keep the calendar down and thin the jail.

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THE TEMPLAR OVAION.

Colored Fraters Royally Entertained Their Guests.

The colored Knights Templar had a d

maudery, No. 3, of New York. This famous drill organization won the second prize the Centennial celebration held in Philadelphia in 1888. At 4 o'clock in the afternoon Simon Commandery, No. 1, K. T., of the city, marched from their hall, on Eleventh street, to Carson's Hotel, where the visiters are stopping. A parade was then made

of the city. At night a reception and banquet was given by the Vauxhall Commandery at Cadets' armory, O street, near Seventh northwest. There was a large attendance of colored Masons present, and the visitors were overwhelmed with kind attention.

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Hearing Refused in the Telephone Cases.

In the United States Supreme Court yesterday, the application for a rehearing in the Drawbaugh-Bell telephone case was denied. Justice Miller announced the decision.

three justices who had concurred in opinion of Chief Justice Waite, upheld the validity of Bell's patent, had requested a rehearing, and that as it was the settled policy of the court not to grant rehearings and this was done, that the application must be denied. In satisfaction of a final decision.

Dr. Talmage's Lecture To-Night
Rev. T. DeWitt Talmage can always draw a great audience in this city, and the announcement that he will lecture at Congregational church to-night on "The School for Scandal" is simply the precursor to a crowded audience.

PERSONALITIES.
 SECRETARY DAY and is in Boston.
 CAPT. SYMONS is confined to his home
 sickness.
 JUDGE P. W. STORMON, of West Virginia

DR. J. M. CRAWFORD and wife, of Cincinnati, are at the Riggs.

PAYMASTER L. O. DEWEY, U. S. A., died in Boston yesterday.

Mrs. SENATOR HAWLEY has gone to Philadelphia.

Dr. J. F. RANKIN will this evening

Jerome L. Johnson. A large number of genial pastor's friends have been invited, will be present.

COL. WM. E. BOGGS was yesterday pointed by the court of claims commission of that body to the fact of the same.

testimony in this District and the sex states in actions pending in that court against the government.

and the directory is now as near perfect as possible.